IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

WP(C).No. 29102 of 2007(M)

AGAINST THE ORDER IN OPMV.1313/1994 ,1316/94,1317/94, 1318/94 AND 3385/94
of MOTOR ACCIDENT CLAIMS TRIBUNAL, PALAKKAD
.....

PETITIONER:

SMT.M.VIJAYAKUMARI,
W/O.LATE BALAKRISHNAN, NEDUKANNI, COURT ROAD,
ALATHUR, PALAKKAD DISTRICT.

BY ADV. SRI.P.R.VENKETESH

RESPONDENTS:
----

1. NEW INDIA ASSURANCE COMPANY,
M.A.LANE, T.B.ROAD, PALAKKAD,

2. NARYANAN KUTTY, S/O.KRISHNANKUTTY NAIR,
ALINGAL HOUSE, PERINKULAM, ALATHUR,
PALAKKAD DISTRICT.

3. DEPUTY TAHSILDAR, REVENUE RECOVERY,
ALATHUR, PALAKKAD.

BY GOVERNMENT PLEADER SRI.PRADEEP K.P.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
==========
W.P.(C) NO. 29102 OF 2007
==========

Dated this the 3rd day of October, 2007

J U D G M E N T

In pursuance to the award of the Motor Vehicles Tribunal in OP(MV) Nos.1313/94, 1316/94, 1317/94, 1318/94 and 3385/94, revenue recovery proceedings are now initiated against the petitioner for realisation of the dues. Petitioner submits that her husband was the registered owner, who is no more and that petitioner alone is proceeded against. According to her, 2nd respondent was the driver of the vehicle and that despite assets available with him, no steps are taken although he is also made liable in terms of the award. Highlighting her grievances, petitioner has submitted Ext.P2 representation before the 3rd respondent, which is also stated to be pending.

2. Taking into account the above, I dispose of the writ petition directing that the revenue recovery proceedings initiated by Ext.P1 shall be deferred, on the petitioner remitting 50% of the amount due within one month from today. The 3rd respondent

also shall in the meanwhile consider Ext.P2 and take a decision thereon.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp